

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BECKLEY

JAMES J. ROWE and
SHARON H. ROWE,

Plaintiffs,

v.

Civil Action No: 5:13-21369

CITIBANK N.A. as the Trustee
for LEHAM XS MORTGAGE PASS-THRU
CERTIFICATES, SERIES 2005-06,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion for judgment on the pleadings pursuant to Federal Rule of Civil Procedure 12(c). (Doc. No. 59). Plaintiffs oppose defendant's motion and have filed a response. (Doc. No. 61).


When resolving a motion pursuant to Rule 12(c), a court may consider a "written instrument" attached as an exhibit to a pleading, "as well as [documents] attached to the motion . . . , so long as they are integral to the complaint and authentic." See Fed. R. Civ. P. 10(c); Occupy Columbia v. Haley, 738 F.3d 107, 116 (4th Cir. 2013) (internal citations and quotation marks omitted); see also Demetry v. Lasko Products, Inc., 284 F. App'x 14, 15 (4th Cir. 2008); Henson v. Monongahela Power Co., Civil Action No. 2:09-0219, 2010 WL 3835070, at *2 (S.D.W. Va. Sept. 29, 2010). Plaintiffs' second amended complaint, (Doc. No. 49),

and response in opposition to defendant's motion for judgment on the pleadings, (Doc. No. 61), make reference to a number of exhibits. However, the second amended complaint contains no such exhibits or attachments. So that the court may have a complete record on which to rule on defendant's motion, plaintiffs are hereby **ORDERED** to file the exhibits to which their second amended complaint refers with the Clerk of Court no later than **January 23, 2015**.

The Clerk is directed to send a copy of this Order to counsel of record.

IT IS SO ORDERED this 16th day of January, 2015.

Enter:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge